

**BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

NISHA D. LAL, Respondent

Pharmacy Technician Registration No. TCH 81839

Agency Case No. 7291

DECISION AND ORDER

The attached Stipulated Surrender of License Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on October 5, 2022.

It is so ORDERED on September 6, 2022.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



Seung W. Oh, Pharm.D.
Board President

1 ROB BONTA
Attorney General of California
2 KAREN R. DENVER
Supervising Deputy Attorney General
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7 *Attorneys for Complainant*

8
9 **BEFORE THE**
BOARD OF PHARMACY
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case Number 7291

13 **NISHA D. LAL**
8324 Alpine Laurel Way
14 Sacramento, CA 95829

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15 **Pharmacy Technician License Number**
TCH 81839

16 Respondent.
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18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy
22 (Board). She brought this action solely in her official capacity and is represented in this matter by
23 Rob Bonta, Attorney General of the State of California, by Daniel D. McGee, Deputy Attorney
24 General.

25 2. Nisha D. Lal (Respondent) is representing herself in this proceeding and has chosen
26 not to exercise her right to be represented by counsel.

27 3. On or about February 22, 2008, the Board issued Pharmacy Technician License
28 Number TCH 81839 to Respondent. The Pharmacy Technician License was in full force and

1 effect at all times relevant to the charges brought in Accusation Number 7291 and will expire on
2 October 31, 2023, unless renewed.

3 **JURISDICTION**

4 4. Accusation Number 7291 was filed before the Board and is currently pending against
5 Respondent. The Accusation and all other statutorily required documents were properly served
6 on Respondent on June 14, 2022. Respondent timely filed her Notice of Defense contesting the
7 Accusation. A copy of Accusation Number 7291 is attached as Exhibit A and incorporated by
8 reference.

9 **ADVISEMENT AND WAIVERS**

10 5. Respondent has carefully read and understands the charges and allegations in
11 Accusation Number 7291. Respondent also has carefully read and understands the effects of this
12 Stipulated Surrender of License and Order.

13 6. Respondent is fully aware of her legal rights in this matter, including the right to a
14 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
15 her own expense; the right to confront and cross-examine the witnesses against her; the right to
16 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
17 compel the attendance of witnesses and the production of documents; the right to reconsideration
18 and court review of an adverse decision; and all other rights accorded by the California
19 Administrative Procedure Act and other applicable laws.

20 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
21 every right set forth above.

22 **CULPABILITY**

23 8. Respondent admits the truth of each and every charge and allegation in Accusation
24 Number 7291, agrees that cause exists for discipline, and hereby surrenders her Pharmacy
25 Technician License Number TCH 81839 for the Board's formal acceptance.

26 9. Respondent understands that by signing this stipulation she enables the Board to issue
27 an order accepting the surrender of her Pharmacy Technician License without further process.

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CONTINGENCY

10. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

12. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Pharmacy Technician License Number TCH 81839, issued to Respondent Nisha D. Lal, is surrendered and accepted by the Board.

1. The surrender of Respondent's Pharmacy Technician License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board. Respondent understands and acknowledges that for

1 purposes of Business and Professions Code section 4307, this stipulated surrender is the same as a
2 revocation.

3 2. Respondent shall lose all rights and privileges as a pharmacy technician in California
4 as of the effective date of the Board's Decision and Order.

5 3. Respondent shall cause to be delivered to the Board her pocket license and, if one was
6 issued, her wall certificate on or before the effective date of the Decision and Order.

7 4. If she ever applies for licensure or petitions for reinstatement in the State of
8 California, the Board shall treat it as a new application for licensure. Respondent must comply
9 with all the laws, regulations and procedures for licensure in effect at the time the application or
10 petition is filed, and all of the charges and allegations contained in Accusation Number 7291 shall
11 be deemed to be true, correct and admitted by Respondent when the Board determines whether to
12 grant or deny the application or petition.

13 5. Respondent shall pay the agency its costs of investigation and enforcement in the
14 amount of \$7,505.25 prior to the filing of a new or reinstated license.

15 6. If Respondent should ever apply or reapply for a new license or certification, or
16 petition for reinstatement of a license, by any other health care licensing agency in the State of
17 California, all of the charges and allegations contained in Accusation Number 7291 shall be
18 deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
19 Issues or any other proceeding seeking to deny or restrict licensure.

20 **ACCEPTANCE**

21 I have carefully read the Stipulated Surrender of License and Order. I understand the
22 stipulation and the effect it will have on my Pharmacy Technician License. I enter into this
23 Stipulated Surrender of License and Order voluntarily, knowingly and intelligently, and agree to
24 be bound by the Decision and Order of the Board of Pharmacy.

25
26 DATED: _____

NISHA D. LAL
Respondent

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2 revocation.

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10 petition is filed, and all of the charges and allegations contained in Accusation Number 7291 shall
11 be deemed to be true, correct and admitted by Respondent when the Board determines whether to
12 grant or deny the application or petition.

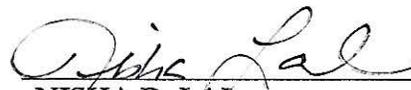
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15 6. If Respondent should ever apply or reapply for a new license or certification, or
16 petition for reinstatement of a license, by any other health care licensing agency in the State of
17 California, all of the charges and allegations contained in Accusation Number 7291 shall be
18 deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
19 Issues or any other proceeding seeking to deny or restrict licensure.

20 ACCEPTANCE

21 I have carefully read the Stipulated Surrender of License and Order. I understand the
22 stipulation and the effect it will have on my Pharmacy Technician License. I enter into this
23 Stipulated Surrender of License and Order voluntarily, knowingly and intelligently, and agree to
24 be bound by the Decision and Order of the Board of Pharmacy.

25
26 DATED: 7/30/22


27 NISHA D. LAL
Respondent

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ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: _____

Respectfully submitted,
ROB BONTA
Attorney General of California
KAREN R. DENVIR
Supervising Deputy Attorney General

DANIEL D. MCGEE
Deputy Attorney General
Attorneys for Complainant

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ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: August 1, 2022

Respectfully submitted,
ROB BONTA
Attorney General of California
KAREN R. DENVIR
Supervising Deputy Attorney General

Daniel D. McGee

DANIEL D. MCGEE
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation Number 7291

1 ROB BONTA
Attorney General of California
2 KAREN R. DENVER
Supervising Deputy Attorney General
3 DANIEL D. MCGEE
Deputy Attorney General
4 State Bar No. 218947
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7 *Attorneys for Complainant*

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10 **BOARD OF PHARMACY**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case Number 7291

14 **NISHA D. LAL**
8324 Alpine Laurel Way
Sacramento, CA 95829

ACCUSATION

15 **Pharmacy Technician License**
16 **Number TCH 81839**

17 Respondent.

18 **PARTIES**

19 1. Anne Sodergren (Complainant) brings this Accusation solely in her official capacity
20 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

21 2. On or about February 22, 2008, the Board of Pharmacy issued Pharmacy Technician
22 License Number TCH 81839 to Nisha D. Lal (Respondent). The Pharmacy Technician License
23 was in full force and effect at all times relevant to the charges brought herein and will expire on
24 October 31, 2023, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board of Pharmacy (Board), Department of
27 Consumer Affairs, under the authority of the following laws. All section references are to the
28 Business and Professions Code (Code) unless otherwise indicated.

1 4. Code Section 118, subdivision (b), provides that the suspension, expiration, surrender
2 or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a
3 disciplinary action during the period within which the license may be renewed, restored, reissued
4 or reinstated.

5 5. Section 4300 of the Code states, in pertinent part:

6 (a) Every license issued may be suspended or revoked.

7 (b) The board shall discipline the holder of any license issued by the board,
8 whose default has been entered or whose case has been heard by the board and found
9 guilty, by any of the following methods:

10 (1) Suspending judgment.

11 (2) Placing him or her upon probation.

12 (3) Suspending his or her right to practice for a period not exceeding one year.

13 (4) Revoking his or her license.

14 (5) Taking any other action in relation to disciplining him or her as the board in
15 its discretion may deem proper....

16 (e) The proceedings under this article shall be conducted in accordance with
17 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the
18 Government Code, and the board shall have all the powers granted therein. The
19 action shall be final, except that the propriety of the action is subject to review by the
20 superior court pursuant to Section 1094.5 of the Code of Civil Procedure.

21 6. Section 4301 of the Code states, in pertinent part:

22 The board shall take action against any holder of a license who is guilty of
23 unprofessional conduct or whose license has been issued by mistake. Unprofessional
24 conduct shall include, but is not limited to, any of the following:

25 ...

26 (h) The administering to oneself, of any controlled substance, or the use of any
27 dangerous drug or of alcoholic beverages to the extent or in a manner as to be
28 dangerous or injurious to oneself, to a person holding a license under this chapter, or
to any other person or to the public, or to the extent that the use impairs the ability of
the person to conduct with safety to the public the practice authorized by the license.

 7. Section 4300.1 of the Code states:

 The expiration, cancellation, forfeiture, or suspension of a board-issued license by
operation of law or by order or decision of the board or a court of law, the placement
of a license on a retired status, or the voluntary surrender of a license by a licensee
shall not deprive the board of jurisdiction to commence or proceed with any

1 investigation of, or action or disciplinary proceeding against, the licensee or to render
2 a decision suspending or revoking the license

3 **COST RECOVERY**

4 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
5 administrative law judge to direct a licensee found to have committed a violation or violations of
6 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
7 enforcement of the case, with failure of the licensee to comply subjecting the license to not being
8 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
9 included in a stipulated settlement.

10 **FIRST CAUSE FOR DISCIPLINE**

11 **(Unprofessional Conduct – Dangerous Use of Alcoholic Beverages: Reporting to Work
12 Under the Influence on September 24, 2021)**

13 9. Respondent is subject to disciplinary action on the grounds of unprofessional conduct
14 as defined in Code section 4301, subdivision (h), in that on or about September 24, 2021,
15 Respondent used alcoholic beverages to the extent or in a manner as to be dangerous or injurious
16 to oneself, any other person, or to the public. The underlying circumstances are as follows.

17 10. At the relevant time, Respondent was employed as a pharmacy clerk by Kaiser
18 Permanente Outpatient Pharmacy, in Rancho Cordova. On or about September 24, 2021,
19 Respondent failed to report to work at her scheduled time of 9:00 a.m. This prompted
20 Respondent's supervisor to telephone Respondent at approximately 9:30 a.m. Respondent
21 answered the call and explained that she had fallen asleep in her vehicle in the parking lot.
22 Respondent appeared for duty shortly thereafter and the odor of alcoholic beverages was detected
23 on her person. This prompted Kaiser Pharmacy staff to engage in their reasonable suspicion
24 protocol which included, among other things, the administering of breathalyzer testing to
25 Respondent. Those tests were administered at 11:00 a.m. and 11:18 a.m., and recorded
26 Respondent's blood alcohol content as being .205% and .164%, respectively. Respondent was
27 sent home and placed on administrative leave as a result of this incident. Respondent
28 subsequently sought treatment through her employer and was placed on a "last chance"
employment agreement.

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct – Dangerous Use of Alcoholic Beverages: September 24, 2021**
3 **Arrest for DUI)**

4 11. Respondent is subject to disciplinary action on the grounds of unprofessional conduct
5 as defined in Code section 4301, subdivision (h), in that on or about September 24, 2021,
6 Respondent used alcoholic beverages to the extent or in a manner as to be dangerous or injurious
7 to herself, other persons, and/or to the public. The underlying circumstances are as follows.

8 12. On or about September 24, 2021, at about 1825 hours, officers with the California
9 Highway Patrol responded to a report of a vehicle collision in the vicinity of Vineyard Road and
10 W. Savona Drive in Sacramento County. Upon arrival at the scene, the officers observed two
11 vehicles with major damage. When an officer asked who the driver of the silver Toyota Rav4
12 was, Respondent identified herself as being the driver. At the time, Respondent was sitting on the
13 sidewalk and struggling to not fall backwards. While talking with Respondent regarding the
14 collision, an officer requested Respondent to stand up and walk towards the patrol vehicle.
15 Respondent required the officer’s assistance to stand up and struggled to walk in a straight line.
16 Further, the officer observed that Respondent’s eyes were red and watery, her speech was
17 severely slurred, and that Respondent struggled to maintain balance. The strong odor of alcoholic
18 beverage was also detected on Respondent’s person. Thereafter, field sobriety testing was
19 administered, and Respondent failed all testing. Respondent refused P.A.S. breathalyzer testing.
20 Nevertheless, Respondent was arrested for driving under the influence of alcohol due to her
21 obvious signs of intoxication. Further, the investigating offers determined that Respondent had
22 caused the collision by driving in an unsafe manner while under the influence of alcohol.
23 Subsequent blood testing showed Respondent’s blood alcohol content to be 0.18%.¹

24 **PRAYER**

25 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
26 and that following the hearing, the Board of Pharmacy issue a decision:

27 ¹ Criminal charges were later brought against Respondent thereby commencing the matter
28 of *People v. Nisha D. Lal*, Sacramento County Superior Court Case Number 21MI020077, which
remains pending.

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1. Revoking or suspending Pharmacy Technician License Number TCH 81839, issued to Nisha D. Lal;
2. Ordering Nisha D. Lal to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
3. Taking such other and further action as deemed necessary and proper.

DATED: 6/1/2022 _____

Signature on File

ANNE SODERGREN
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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